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MONTANA LEGISLATIVE HISTORY

Chapter 280 19 95

Bill H _____ S 258 Original bill & history ✓ C

H. Committee on Business + Labor		S. Committee on Local Gov	
Hearing Date(s) 3-10	✓ C	Hearing Date(s) 2-9	✓ C
_____	___ C	2-14	✓ C
_____	___ C	_____	___ C
_____	___ C	_____	___ C
Date Out _____	___ C		

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

	TRANSMITTED TO HOUSE		
3/28	FIRST READING		
3/28	REFERRED TO TAXATION		
4/03	HEARING		
4/06	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/07	2ND READING CONCURRED	71	28
4/08	3RD READING CONCURRED	67	31
	RETURNED TO SENATE WITH AMENDMENTS		
4/12	2ND READING AMENDMENTS NOT CONCURRED	48	0
4/12	FREE CONFERENCE COMMITTEE APPOINTED		
4/12	HEARING		
4/12	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/13	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	37	13
4/13	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	38	11
	HOUSE		
4/12	FREE CONFERENCE COMMITTEE APPOINTED		
4/13	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/13	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	61	38
4/13	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	67	28
4/18	SIGNED BY PRESIDENT		
4/18	SIGNED BY SPEAKER		
4/18	TRANSMITTED TO GOVERNOR		
5/12	VETOED		

NOTE: THE GOVERNOR'S VETO WAS SUSTAINED IN A POST-SESSION LEGISLATOR POLL. WITH 144 LEGISLATORS VOTING, 30 VOTED TO OVERRIDE THE VETO AND 114 VOTED AGAINST AN OVERRIDE.

SB 258 INTRODUCED BY BARTLETT

ALLOW A COUNTY TO RETAIN CERTAIN LAND ACQUIRED BY TAX DEED IF IT IS IN BEST INTEREST OF COUNTY OR WILL ADVANCE PUBLIC BENEFIT OR WELFARE

1/27	INTRODUCED		
1/27	FIRST READING		
1/27	REFERRED TO LOCAL GOVERNMENT		
2/09	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED		
2/16	2ND READING PASSED	25	24
2/17	3RD READING PASSED	30	20
	TRANSMITTED TO HOUSE		
2/20	FIRST READING		
2/20	REFERRED TO BUSINESS & LABOR		
3/10	HEARING		
3/10	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/13	2ND READING CONCURRED	77	22
3/14	3RD READING CONCURRED	79	19
	RETURNED TO SENATE WITH AMENDMENTS		
3/18	2ND READING AMENDMENTS CONCURRED	46	0
3/20	3RD READING AMENDMENTS CONCURRED	46	4
3/25	SIGNED BY PRESIDENT		
3/25	SIGNED BY SPEAKER		
3/27	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 280		
	EFFECTIVE DATE: 10/01/95		

SENATE BILL NO. 258

INTRODUCED BY Bartlett

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY TO RETAIN CERTAIN LAND ACQUIRED BY TAX DEED IF IT IS IN THE BEST INTEREST OF THE COUNTY OR WILL ADVANCE THE PUBLIC BENEFIT OR WELFARE; CLARIFYING THE REPURCHASE RIGHTS OF TAXPAYERS AND SUCCESSORS; REQUIRING THE DEPARTMENT OF REVENUE TO DETERMINE THE FAIR MARKET VALUE OF TAX-DEED LAND; SUBSTITUTING SALES PRICE FOR FAIR MARKET VALUE IN CERTAIN SECTIONS OF LAW PERTAINING TO THE SALE OF TAX-DEED LAND; REQUIRING PUBLIC NOTICE OF THE DONATION OR RETENTION OF TAX-DEED LAND; ELIMINATING THE REQUIREMENT THAT THE SALE OF LAND ACQUIRED BY TAX DEED BE HELD AT THE COURTHOUSE; AND AMENDING SECTIONS 7-8-2218, 7-8-2301, 7-8-2302, 7-8-2303, AND 7-8-2502, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-8-2218, MCA, is amended to read:

"**7-8-2218. Procedure if property not sold at public auction.** If ~~no~~ a bid or offer is not made for any property offered for sale at public auction, after notice ~~and appraisal given~~ as provided in 7-8-2212 and 7-8-2214, the board of county commissioners may, at any time ~~thereafter~~ after the auction, sell ~~such~~ the property at private sale and may on ~~such~~ private sale accept as the purchase price ~~therefor~~ for the property an amount not less than 70% of the ~~appraised value thereof~~ sales price that was set for the second auction sale provided for in 7-8-2301(4)."

Section 2. Section 7-8-2301, MCA, is amended to read:

"**7-8-2301. Disposal of county tax-deed land.** (1) Whenever the county acquires land by tax deed, it is the duty of the board of county commissioners, within 6 months after acquiring title, to enter an order to:

(a) ~~make and enter an order for sale of~~ sell the ~~lands~~ land at public auction ~~at the front door of the courthouse~~;

(b) donate the land to a municipality, as provided in subsection ~~(6)~~ (3), if the land is within the

incorporated boundaries of the municipality; ~~or~~

(c) donate the ~~lands~~ land to a nonprofit corporation as provided in subsection ~~(7).~~ (3); or

(d) retain the land for the county as provided in subsection (3).

(2) ~~A~~ When tax-deed land is to be sold, the sale may not be made for a price less than the ~~fair market value of the land~~ sales price~~, as~~ determined and fixed by the board prior to making the order of sale. ~~In determining fair market value, the board shall subtract the amount of outstanding assessments that are a lien on the land from the unencumbered value of the land, but the minimum sale price for a parcel of land may not be less than $10.~~ The sales price may be set in an amount sufficient to recover the full amount of taxes, assessments, penalties, and interest due at the time the tax deed was issued to the county plus the county's costs in taking the tax deed and in conducting the sale and additional taxes due, if any, at the time of the sale.

(3) A board of county commissioners may, upon expiration of the repurchase period provided for in 7-8-2303:

(a) sell the land as provided in subsections (2) and (4);

(b) donate the land to a municipality with the consent of the municipality;

(c) donate the land to a nonprofit corporation for the purpose of constructing:

(i) a multifamily housing development operated by the corporation; or

(ii) single-family houses. Upon completion of a house, the nonprofit corporation shall sell the property to a low-income person who meets the eligibility requirements of the corporation. Once the sale is completed, the property becomes subject to taxation.

(d) retain the land for the county pursuant to 7-8-2501.

~~(3)~~(4) If ~~no~~ bids are not received at a sale of tax-deed land, the board shall order another auction sale of the land under this part within 6 months and may, if required by the circumstances, redetermine the ~~fair market value~~ sales price of the land determined under subsection (2). In the period of time between the auction conducted under subsection (1), in which there were ~~no~~ not any qualifying bids for the ~~property~~ land, and an auction held pursuant to this subsection, the board may sell the land by negotiated sale at a price that is not less than the ~~fair market value~~ sales price that was fixed for the original auction under subsection (1)(a).

~~(4)~~(5) If ~~no~~ a bid is not received at the sale conducted under subsection ~~(3)~~ (4), the board may dispose of the land as provided in 7-8-2218.

~~(5)~~(6) Notwithstanding the amount of the ~~fair market value~~ sales price fixed by the board prior to the auction conducted under subsection (1)(a), if the successful sale bidder is the delinquent taxpayer or the taxpayer's successor in interest, the taxpayer's agent, or a member of the taxpayer's immediate family, the purchase price may not be less than the amount necessary to pay, in full, ~~all county costs of conducting the sale, delinquent taxes, assessments, and all interest and penalties~~ the taxes, assessments, penalties, and interest due on the land at the time of taking the tax deed plus interest on the full amount at the rate provided for in 15-16-102 from the date of the tax deed to the date of the repurchase as well as the costs of the county in taking the tax deed and additional taxes or assessments due, if any, at the time of repurchase.

~~(6) A board of county commissioners may, upon expiration of the redemption period provided for in 15-18-111, donate the land to a municipality with the consent of the municipality.~~

~~(7) A board of county commissioners may, upon expiration of the redemption period provided for in 15-18-111, donate the land to a nonprofit corporation for the purpose of constructing:~~

~~(a) a multifamily housing development operated by the corporation; or~~

~~(b) single family houses. Upon completion of a house, the nonprofit corporation shall sell the property to a low income person who meets the eligibility requirements of the corporation. Once the sale is completed, the property becomes subject to taxation.~~"

Section 3. Section 7-8-2302, MCA, is amended to read:

"**7-8-2302. Notice of ~~sale~~ disposal of tax-deed lands.** (1) Notice of the sale, donation, or retention of tax-deed lands provided for in 7-8-2301 ~~shall~~ must be given by publication as provided in 7-1-2121 and ~~shall~~ must also be posted in at least three public places in the county.

(2) ~~Posted~~ The posted and published notice ~~shall~~ must be signed by the county clerk, and ~~one~~ the published notice ~~may~~ must include a list of all lands to be sold, donated, or retained, the ~~appraised~~ fair market value of the ~~same~~ lands as determined and fixed by the department of revenue, and the time and place of sale, donation, or retention. ~~The fair market value~~ If the land is to be sold, the sales price as determined under 7-8-2301 ~~shall~~ must be stated in the published notice of sale."

Section 4. Section 7-8-2303, MCA, is amended to read:

"**7-8-2303. Repurchase rights of taxpayer or successors.** At any time up to 24 hours before the

time fixed for the first offering of property for sale or the time fixed for the donation or retention of the property pursuant to 7-8-2301, the taxpayer or the taxpayer's successor in interest or legal representative may repurchase the property from the county. The property may be repurchased, subject to the reservations provided for in 7-8-2305, by payment to the county of the full amount of the taxes, assessments, penalties, and interest due on the land at the time of taking the tax deed plus interest on the full amount at the rate provided for in 15-16-102 from the date of the tax deed to the date of repurchase as well as the costs of the county in taking the tax deed and additional taxes or assessments due, if any, at the time of repurchase. The purchase and payment may be effected by an installment contract with annual payments as provided for in 7-8-2304."

Section 5. Section 7-8-2502, MCA, is amended to read:

"**7-8-2502. Application of part.** (1) Any lands offered for sale by the county commissioners of any county ~~under~~ pursuant to 7-8-2301 and not sold at ~~such~~ the sale, any lands classified for retention by the county, any lands concerning which the preferential right to purchase has been terminated and barred ~~under~~ pursuant to the provisions of 7-8-2303, and any other lands owned by the county, however acquired, may, in the discretion and at the election of the board, be administered by the board under this part.

(2) The board may in its discretion elect to exercise ~~all or~~ any of the powers and authority granted to it by this part, and to the extent that the board ~~it so~~ elects, the provisions of this part ~~shall be~~ are controlling and ~~shall~~ supersede all conflicting provisions of other laws.

(3) The sale, exchange, lease, or issuance of licenses and permits of county lands as provided in this part ~~shall extend~~ extends only to those lands not necessary to the conduct of the county's business."

-END-

SENATE LOCAL GOVERNMENT

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ------- REREFERRED ---- DATE READ

SB0222	COLE, MACK			REQUIRE SOME SHERRIFF FEES BE DEPOSITED IN GEN'L FUND OR PUBLIC SAFETY FUND						
	1/23	2/07			PASS AS AMENDED	2/9	VOTE:			2/09
SB0227	WELDON, JEFF			REDUCE TO 1/8 MI. OUTSIDE CITY LIMIT AREA CITY CAN ENFORCE ITS BUILDING CODE						
	1/23	2/07			PASS AS AMENDED	2/14	VOTE:			2/15
SB0230	KLAMPE, TERRY			AUTHORIZE RESORT TAX FOR ALL LOCAL GOVT'S WITH 50% FOR PROPERTY TAX RELIEF						
	1/24	2/09			TABLED ON	02/15	VOTE:			
SB0254	FORRESTER, GARY			CHANGE CRITERIA UPON WHICH A GOVERNING BODY/DIST COURT REVERTS VACATED PLATS						
	1/26	2/07			PASS AS AMENDED	2/14	VOTE:			2/15
SB0258	BARTLETT, SUE			ALLOW COUNTY TO RETAIN TAX DEED PROP IF IN BEST INTEREST OF COUNTY/PUBLIC						
	1/27	2/09			DO PASS	2/14	VOTE:			2/15
SB0262	SPRAGUE, MIKE			NO EFFECT OF MASTER PLAN ON SUBDIVISIONS						
	1/27	2/09			TABLED ON	02/15	VOTE:			
SB0263	MOHL, ARNIE			ALLOW COUNTY DEPARTMENTS WITHIN FUNDS TO WORK WITHIN THEIR TOTAL APPROP						
	1/27	2/09			PASS AS AMENDED	2/16	VOTE:			2/16
SB0268	HARGROVE, DON			ALLOW SNOWMOBILE OPERATION BY PERSON WITH SAFETY CERTIFICATE						
	1/28	2/07			DO PASS	2/09	VOTE:			2/09
SB0277	NELSON, LINDA			REVISE FARM MUTUAL INSURANCE LAW						
	1/31	2/14			PASS AS AMENDED	2/14	VOTE:			2/15
SB0282	BURNETT, JIM			REQUIRE DOT ESTABLISH PROPERTY BOUNDARIES OF LAND SUBJECT TO SUBDIVN ACT						
	2/01	2/14	2/16		PASS AS AMENDED	2/17	VOTE:			2/18
SB0296	HARDING, ETHEL			ALLOW SALE OF BAKED & PRESERVED & OTHER FOOD & EXEMPT SALE FROM DHES LICENSE						
	2/02	2/14			PASS AS AMENDED	2/17	VOTE:			2/18
SB0299	BECK, TOM			REVISE THE WATER QUALITY DISTRICT LAWS TO INCLUDE TERMINATION PROCEDURES						
	2/02	2/16			PASS AS AMENDED	2/17	VOTE:			2/18

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN TOM BECK**, on February 9, 1995, at 12:30 p.m.

ROLL CALL

Members Present:
Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Ethel M. Harding, Vice Chairman (R)
Sen. Sharon Estrada (R)
Sen. Delwyn Gage (R)
Sen. Don Hargrove (R)
Sen. Dorothy Eck (D)
Sen. John "J.D." Lynch (D)
Sen. Jeff Weldon (D)

Members Excused: none

Members Absent: none

Staff Present: Susan Fox, Legislative Council
Elaine Johnston, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 258, SB 263, SB 262, SB 230
Executive Action: SB 214, SB 182, SB 222

{Tape: 1; Side: A; Approx. Counter: ; Comments: .}

EXECUTIVE ACTION ON SB 214

Discussion:

CHAIRMAN TOM BECK said the amendment would put a second sunset on the bill and that the advisory board be composed of at least five members.

Motion/Vote: **SEN. DON HARGROVE MOVED TO ADOPT THE AMENDMENTS TO SB 214. THE MOTION CARRIED WITH SEN. HARDING AND SEN. LYNCH VOTING NO.**

what actions local governments have in regards to signs he encouraged the committee to pass SB 182.

Motion/Vote: **SEN. WELDON MOVED SB 182 DO PASS AS AMENDED. THE MOTION CARRIED (SEE ROLL CALL VOTE NUMBER 2).**

EXECUTIVE ACTION ON SB 222

Discussion:

CHAIRMAN BECK refreshed the committee on the title of the bill.

Ms. Fox said there was an amendment to SB 222 to clean up some of the language.

SEN. LYNCH said that they were earmarking for the counties and he felt that was telling the counties what they had to do with their money. He said that anytime he saw the word "requiring" it sent up a red flag.

SEN. HARDING said she agreed with **SEN. LYNCH** but since the counties and the clerk and recorders supported the bill there must have been a reason they wanted the bill.

CHAIRMAN BECK asked **Gordon Morris, Montana Association of Counties**, how much of an impact the bill would be on counties?

Mr. Morris said SB 222 was a housekeeping measure in regards to a current law. He said that the money by way of county budget consideration had to follow the levy. He said it should not be compared to the state general fund. Once in the county general fund, the money could not be moved to the sheriff's public safety levy.

Motion/Vote: **SEN. WELDON MOVED TO ADOPT THE AMENDMENT. THE MOTION CARRIED UNANIMOUSLY.**

Motion/Vote: **SEN. LYNCH MOVED SB 222 DO PASS AS AMENDED. THE MOTION CARRIED UNANIMOUSLY.**

HEARING ON SB 258

Opening Statement by Sponsor:

SEN. SUE BARTLETT, SD 27, Helena, presented SB 258. She went through a hand out a in regards to the tax deed schedule and explained the bottom portion **(EXHIBIT 1).** There were some substantive changes in SB 258 in addition to reorganizing and clarifying the language. One of these changes included allowing the county to retain some tax deed property if in the best interest of the public or will advance the public benefit or welfare. **SEN. BARTLETT** continued through the bill and pointed out all of the changes.

Proponents' Testimony:

Mel Clint, retired Clerk and Recorder, said that he had noticed problems with this portion of law and took it upon himself to get the problems taken care of. He had been questioned by auditors in regard to the new method of establishing the sale price. In 1986, the special session allowed twenty acres or more in a subdivision to go to agricultural status. This caused a value of lots to be $20, $40, causing thousands of dollars in delinquency. To apply the formula you had to first go and get as much back in taxes and penalty interest and costs. He said that much of the bill was language clarification and he asked the committee's support.

Gordon Morris, Montana Association of Counties, stated he worked with **SEN. BARTLETT** on the bill and he added that the bill did not change the right of redemption or an individuals right of repurchase. He noted the bill clarifies a great deal of the language and he asked for favorable consideration of SB 258.

Blake Wordal, Lewis and Clark County Commissioner, supported SB 258. He added that SB 258 made sense out of the existing law and did not make a lot of changes. He said the idea was to go through a process that made sense in terms of time. He urged the committee's favorable consideration.

Bill Raphold, Pondera County Commission Chairman, stated they support SB 258.

Opponents' Testimony: none

Questions From Committee Members and Responses:

CHAIRMAN BECK gave a scenario and asked **SEN. BARTLETT** if they tried to recoup all the taxes if there would be an out for the counties to come out under what would be collectable? **SEN. BARTLETT** said that the procedures through the auction process and following the auction had ways of reducing the price. She noted that most counties would have to try and recover all of the delinquencies.

CHAIRMAN BECK stated that if he understood the bill correctly, even if they had the sales price at the amount of taxes collected, they would still have to get 70%. He was concerned that if there was an environmental spill of some property and there was very little value to the property, he wanted to know if there was an out for the county to still move the piece of land and get out from under it? **SEN. BARTLETT** said she did not have an answer but she would look into it.

SEN. HARGROVE asked if SB 258 established retention by the county for the first time if the property does not sell? **SEN. BARTLETT** said if property did not sell, it would be retained by the county. Section one of SB 258 dealt with the retention of

property and would allow the county to not take the risk of putting certain properties up for sale that they took by tax deed.

SEN. HARGROVE asked if there was any possibility for a county to use this law to acquire a piece of land that would benefit them. **SEN. BARTLETT** said that any provisions of the bill would go into play, the property owner would have had to not paid taxes on the property for about a three and a half year period. At that point, you would have to go through the tax deed process and the owner could come pay the taxes at that time making it difficult for the county to go after a piece of land.

SEN. HARGROVE asked if the whole tax deed process had been gone through and the county decided they wanted the land if the county would be able to have the land? **SEN. BARTLETT** said that the county would not have to auction the land if it would fit in with planning documents and various standards the county set. With SB 258, one of the safe guards for the original property owner was they had to allow the repurchase period for the original property owner or successor in interest. However, she pointed out that another section of law allows the county to contract with the owner for payments to be made on the taxes over a certain amount of time.

Closing by Sponsor:

SEN. BARTLETT said this was a complex subject area and she would be available for any further questions.

{Tape: 1; Side: B; Approx. Counter: ; Comments: .}

HEARING ON SB 230

Opening Statement by Sponsor:

SEN. TERRY KLAMPE, SD 31, Florence, brought SB 230 before the committee. He pointed out on the title that it stated resort tax but was not exactly a resort tax bill. He stated that it was more than a resort tax because it included counties and incorporated municipalities. They were not going to restrict the resort tax to communities that were resorts under population of 2,500. They wanted to open it to any community or county in the state that would want to impose a tax on itself to do so. He emphasized that it was local control and the people had the choice. He believed the bill would allow the communities to get tax dollars from out of staters and would go to the communities in the form of community improvements and property tax relief. SB 230 was property tax reform. He pointed out that at least 50% of the resort tax revenue had to be used to reduce the municipal or county property tax. The percentage could also go higher depending on the local decisions. He said that there had been many meetings with the cities and the Montana Association of Counties to assure equitable distribution of the tax proceeds.

SENATE LOCAL GOVT. COMM.
EXHIBIT NO. 1
DATE 2-9-95
BILL NO. SB 258

TAX DEED SCHEDULE SPECIFIED IN STATE LAW AND SB 258

1991	Dec. 1	First half 1991 real property taxes delinquent
1992	June 1	Second half 1991 real property taxes delinquent
	By July 19	County Treasurer holds sale of lien for real property taxes delinquent Dec. 1, 1991 and/or June 1, 1992.
1993		
		36-month redemption period for property
1994		owner
1995		
	July 19	Tax deed issued to the county; **repurchase period** for original owner or successor in interest **begins.**
	Nov. 30	First half 1995 real property taxes due
1996	By Jan. 19	County must hold first auction sale; may donate or retain tax deed property
	Jan. 18	**Repurchase period** for original owner or successor in interest **ends** (24 hours before auction).
	By July 19	County must hold second auction sale of remaining property.

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN TOM BECK**, on February 14, 1995, at 12:30 p.m.

ROLL CALL

Members Present:
Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Ethel M. Harding, Vice Chairman (R)
Sen. Sharon Estrada (R)
Sen. Delwyn Gage (R)
Sen. Don Hargrove (R)
Sen. Dorothy Eck (D)
Sen. John "J.D." Lynch (D)
Sen. Jeff Weldon (D)

Members Excused: none

Members Absent: none

Staff Present: Susan Fox, Legislative Council
Elaine Johnston, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 277, SB 282, SB 309, SB 296
Executive Action: SB 41, SB 227, SB 254, SB 230, SB 258, SB 262, SB 277

{Tape: 1; Side: A; Approx. Counter: ; Comments: .}

EXECUTIVE ACTION ON SB 41

Discussion:

SEN. JEFF WELDON gave the committee a brief refresher on what the bill did. He stated the East Missoula sewer district wanted to assess the cost of the feasibility study by hookup rather than value of property. He also pointed out there was concern that bond obligations did not belong in the SB 41. He also talked about the proposed amendment.

Motion: **SEN. WELDON MOVED TO ADOPT THE PROPOSED AMENDMENTS.**

Discussion:

EXECUTIVE ACTION ON SB 254

Discussion:

Ms. Fox explained the amendments to the committee.

Motion/Vote: **SEN. LYNCH MOVED TO ADOPT THE AMENDMENTS. THE MOTION CARRIED UNANIMOUSLY.**

Motion/Vote: **SEN. LYNCH MOVED SB 254 DO PASS AS AMENDED. THE MOTION CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON SB 230

Motion: **SEN. LYNCH MOVED SB 230 BE TABLED.**

Discussion:

SEN. LYNCH stated that SB 230 was an absolute slap in the face to the last election. To call the major cities in Montana resorts he felt was foolish. He pointed out that people go to Billings and Missoula for medical reasons also. He felt it was a misuse of the use of a resort tax as a sales tax.

SEN. HARGROVE stated that SB 230 was a local option tax which had also been rejected by the people.

SEN. ECK said she would consider favoring the bill but agreed that incorporated municipalities should come under the designation of the Department of Commerce. She thought there could legitimately be resort areas.

Vote: **THE MOTION CARRIED WITH SEN. WELDON AND SEN. ECK VOTING "NO".**

EXECUTIVE ACTION ON SB 258

Motion: **SEN. ECK VOTED SB 258 DO PASS**

Discussion:

SEN. WELDON asked if anything in SB 258 was done already in the committee with a bill heard earlier in the session?

Ms. Fox confirmed **SEN. WELDON'S** remark.

CHAIRMAN BECK questioned that if a county got a piece of tax deed property, they had to satisfy it for the amount of taxes owed against the property. He was concerned that a piece of property that had lost its value that they could get the full amount of taxes?

Gordon Morris, Montana Association of Counties, pointed out that the language was current law and under the law the situation he suggested, they would be looking a the same terms for the land as any other. He felt that commissioners would probably be able to forgo the statutes and take appropriate action.

CHAIRMAN BECK said that they wanted 70% of the taxes owed.

Mr. Morris said once again that was existing language.

Vote: **THE MOTION CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON SB 262

Motion: **SEN. LYNCH MOVED SB 262 BE TABLED**

Discussion:

SEN. LYNCH felt that the bill went completely backwards as far as trying to get some order in developments. He pointed out there was little support for the bill and should sit on the table.

Vote: **THE MOTION PASSED UNANIMOUSLY.**

HEARING ON SB 277

Opening Statement by Sponsor:

SEN. LINDA NELSON, SD 49, Medicine Lake, presented an amendment which brought the bill into what they wanted as when it was drafted it did not come out the way they wanted. SB 277 would allow a farm mutual insurance company to insure property in towns and small cities of under 15,000 people. SB 277 further clarified that an insurer was grandfathered in a town when the population grows beyond 15,000 people.

Proponents' Testimony:

Harold Neilsen, President of the Farmers Mutual Fire Insurance Co., Plentywood, presented his written testimony **(EXHIBIT 1)**.

Mary Stoican, Farm Mutual, Lewistown, stated mutual companies were formed for rural areas because large companies would not take the risk. She pointed out that larger companies were either pulling out of Montana or raising their premiums to unreal amounts. The problem arose that rural Montana had been shrinking and the mutuals were losing ground and they needed to expand into larger towns and cities. She urged the committee's support of SB 277.

MONTANA SENATE
1995 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 2-14-95

NAME	PRESENT	ABSENT	EXCUSED
DOROTHY ECK	✓		
SHARON ESTRADA	✓		
DELWYN GAGE	✓		
DON HARGROVE	✓		
J. D. LYNCH	✓		
JEFF WELDON	✓		
ETHEL HARDING, VICE CHAIRMAN	✓		
TOM BECK, CHAIRMAN	✓		

SEN:1995
wp.rollcall.man
CS-09

SENATE STANDING COMMITTEE REPORT

February 15, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration SB 258 (first reading copy -- white), respectfully report that SB 258 do pass.

Signed: Sen Tom Beck
Senator Tom Beck, Chair

Amd. Coord.
Sec. of Senate

391339SC.SRf

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE -----
-- REREFERRED ---- DATE READ

SB0228	2/15	3/03		TABLED ON	3/03	VOTE:12-6	
SB0233	HARP, JOHN 2/20	3/08	RETURN ATTORNEY FEES TO INSURER IF CLAIMANT GOT WORK COMP BENEFITS ILLEGALLY	CONCUR	3/8	VOTE: 18-0	3/08
SB0238	VAN VALKENBURG, FRED 2/15	3/03	EXEMPT CERTAIN UNIVERSITY TEMPORARY EMPLOYEES FROM MANDATED STATE BENEFITS	CONCUR	3/3	VOTE: 18-0	3/03
SB0239	VAN VALKENBURG, FRED 2/20	3/01	REVISE BEER WHOLESALER INTERBRAND COMPETITION LAW -- SMALLER BRANDS	CONCUR AS AMENDED	3/1	VOTE: 18-0	3/02
SB0242	GAGE, DELWYN 2/15	3/03	REVISE THE MEMBERSHIP OF THE BOARD OF HORSERACING	CONCUR AS AMENDED	3/7	VOTE: 16-2	3/07
SB0243	WILSON, WILLIAM 2/15	3/02	UPDATE SKIER RESPONSIBIITY CODE TO BE POSTED BY SKI AREA OPERATORS	CONCUR	3/2	VOTE: 18-0	3/04
SB0246	WELDON, JEFF 2/20	3/14	ADMINISTRATIVE WARRANT TO SEIZE PAWNED PROPERTY	CONCUR	3-14	VOTE: 18-0	3/16
SB0253	HOLDEN, RIC 2/20	3/09	CREATE INSURANCE FRAUD PREVENTION ACT TO BE ENFORCED BY STATE AUDITOR	CONCUR	3/9	VOTE: 17-1	3/09
SB0258	BARTLETT, SUE 2/20	3/10	ALLOW COUNTY TO RETAIN TAX DEED PROP IF IN BEST INTEREST OF COUNTY/PUBLIC	CONCUR AS AMENDED	3/10	VOTE: 18-0	3/10
SB0264	GAGE, DELWYN 2/20	3/09	ESTABLISH THE MONTANA PROFESSIONAL EMPLOYER ORGANIZATIONS LICENSING ACT	CONCUR AS AMENDED	3/14	VOTE: 18-0	3/16
SB0275	DEVLIN, GERRY 2/15	3/02	GRADUATED PLANT NURSERY LICENSURE SCALE BASED ON ANNUAL GROSS SALES	CONCUR	3/2	VOTE: 18-0	3/04
SB0277	NELSON, LINDA 2/20	3/10	REVISE FARM MUTUAL INSURANCE LAW	CONCUR AS AMENDED	3/10	VOTE: 18-0	3/10

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & LABOR

Call to Order: By **CHAIRMAN BRUCE T. SIMON**, on March 10, 1995, at 8:00 A.M.

ROLL CALL

Members Present:

Rep. Bruce T. Simon, Chairman (R)
Rep. Norm Mills, Vice Chairman (Majority) (R)
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)
Rep. Vicki Cocchiarella (D)
Rep. Charles R. Devaney (R)
Rep. Alvin A. Ellis, Jr. (R)
Rep. David Ewer (D)
Rep. Rose Forbes (R)
Rep. Jack R. Herron (R)
Rep. Bob Keenan (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Jeanette S. McKee (R)
Rep. Karl Ohs (R)
Rep. Paul Sliter (R)
Rep. Joe Barnett (R)

Members Excused: Rep. Jon Ellingson
Rep. Carley Tuss

Members Absent: None.

Staff Present: Stephen Maly, Legislative Council
Alberta Strachan, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 187, SB 277, SB 258, SB 287
Executive Action: SB 258, SB 277, SB 287

HEARING ON SB 187

Opening Statement by Sponsor:

SEN. BOB BROWN, SD 40, Flathead County, said this bill was an act authorizing the Department of Justice to operate and maintain an automated accounting and reporting system for video gambling machines; abolishing the requirement that machine specifications

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

The sponsor closed.

HEARING ON SB 258

Opening Statement by Sponsor:

SEN. BARTLETT, SD 27, Lewis and Clark County, said this bill was an act allowing the Department of Labor and Industry to adopt rules authorizing a Workers' Compensation insurer or the Department, under certain conditions, to waive the requirement that an employer have a safety committee. She also supplied amendments. **EXHIBITS 7 and 8**

Proponents' Testimony:

Merrill H. Klundt, Retired Clerk and Recorder, Yellowstone County, provided written testimony. **EXHIBIT 9**

Gordon Morris, Director, Association of Counties, said he supported the bill. This bill clarifies the existing law. He also supported the amendments.

Blake Wordell, Lewis and Clark County Commissioner, said they supported the bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. MILLS asked what the criteria was to allow a county to take possession of land for its own use or donation. **Mr. Klundt** said the counties used the land to establish parks because most of the land confiscated would not be suitable for building.

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON SB 258

Motion/Vote: REP. ELLIS MOVED SB 258 BE CONCURRED IN. REP. COCCHIARELLA MOVED THE AMENDMENTS. Motion carried to adopt the Cocchiarella amendments 18-0.

Motion/Vote: REP. ELLIS MOVED SB 258 BE CONCURRED IN AS AMENDED. Motion carried 18-0.

EXECUTIVE ACTION ON SB 277

Motion/Vote: REP. ELLIS MOVED SB 277 BE CONCURRED IN. Motion carried 18-0.

EXECUTIVE ACTION ON SB 287

Motion/Vote: REP. COCCHIARELLA MOVED SB 287 BE CONCURRED IN. Motion carried 18-0.

HOUSE OF REPRESENTATIVES

Business and Labor

ROLL CALL DATE 3-10-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chairman, Majority	X		
Rep. Bob Pavlovich, Vice Chairman, Minority	X		
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella	X		
Rep. Charles Devaney	X		
Rep. Jon Ellingson			X
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter			
Rep. Carley Tuss			X

HOUSE STANDING COMMITTEE REPORT

March 10, 1995

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 258** (third reading copy -- blue) **be concurred in as amended.**

Signed: *Bruce Simon, Chair*

Carried by: Rep. McKee

And, that such amendments read:

1. Title, line 11.
Strike: "7-8-2218,"

2. Page 1, lines 16 through 22.
Strike: section 1 in its entirety
Renumber: subsequent sections

-END-

Committee Vote:
Yes 18, No 0.

561426SC.Hbk

EXHIBIT 7
DATE 3-10-95
SB 258

Amendments to Senate Bill No. 258
Third Reading Copy

Requested by Senator Bartlett
For the Committee on Business and Labor

Prepared by Stephen Maly
March 8, 1995

1. Title, line 11.
Strike: "7-8-2218,"

2. Page 1, lines 16 through 22.
Strike: section 1 in its entirety
Renumber: subsequent sections

07. Tax liability of purchased tax-deed lands. (1) On January
g the execution of such contract or deed, the land shall be subject to
n the name of the purchaser or his assignee.
the event the taxes are not paid and the same become delinquent,
ach shall be subject to cancellation and all payments theretofore
ll be taken, treated, and regarded as rent for said property.
: En. Sec. 3, Ch. 171, L. 1941; amd. Sec. 14, Ch. 388, L. 1975; R.C.M. 1947,

08. Sale of lands of less than fifty dollar valuation and other deed lands. Property belonging to the county of the value of less
nd property of the county acquired by means other than by tax deed
ld as provided by 7-8-2211 through 7-8-2220 and, except so far as
conflict with the provisions of this part, 7-8-2211 through 7-8-2220
ain in force and effect. Nothing herein contained shall be construed
ng 7-8-2401 through 7-8-2403.
: En. Sec. 8, Ch. 171, L. 1941; R.C.M. 1947, 84-4197.

Part 24
Exchange of Tax-Deed Land With United States

01. Authorization to exchange tax-deed land with United r certain purposes. (1) All real property acquired by any county title which in the judgment of the board of county commissioners for the production of trees or as a watershed or for other national poses may be conveyed by deed to the United States by the board in for government land or timber, if in the discretion of the board it is antage and best interests of the county to make such exchange.
e board is hereby authorized to accept from the United States for half of the county, as full compensation for such county land so , title to land or timber of the United States equal in value to the value of the county land so exchanged for the same.
public notice of the intention to convey title to the United States to property subject to this part shall be necessary. The board shall rity to defray all expenses necessarily incident to such exchange.
(1), (2)En. Sec. 1, Ch. 150, L. 1935; re-en. Sec. 4487.2, R.C.M. 1935; Sec. .M. 1947; (3)En. Sec. 4, Ch. 150, L. 1935; re-en. Sec. 4487.5, R.C.M. 1935; Sec. .M. 1947; R.C.M. 1947, 16-1132, 16-1135(part).

2. Disposal of land and timber acquired by county pur- exchange agreement with United States. (1) Any timber ac- n the United States in any exchange may be disposed of by the mmissioners by agreement with the United States department of e that such timber shall be cut and removed by any agency selected ted States department of agriculture, with the understanding that age payments for timber so cut will be paid over to the county in

(2) All land and all timber not subject to the arrangement authorized in subsection (1) and acquired by the county under the provisions of this part may be sold by the board of county commissioners in the manner provided by law for the sale of county property, and the proceeds of such sale shall be deposited in the county treasury for the use of the county.
History: (1)En. Sec. 2, Ch. 150, L. 1935; re-en. Sec. 4487.3, R.C.M. 1935; Sec. 16-1133, R.C.M. 1947; (2)En. Sec. 3, Ch. 150, L. 1935; re-en. Sec. 4487.4, R.C.M. 1935; Sec. 16-1134, R.C.M. 1947; R.C.M. 1947, 16-1133, 16-1134.

7-8-2403. Effect of conveyance of land to United States. The execution by the board of county commissioners of a deed of conveyance to the United States of any county land conveyed under this part shall operate to discharge and cancel all tax levies, tax liens, and special assessments of every sort and kind against such land and to convey all of the county's title to such lands at the time of the execution of said deed.
History: En. Sec. 4, Ch. 150, L. 1935; re-en. Sec. 4487.5, R.C.M. 1935; R.C.M. 1947, 16-1135(part).

Part 25
Classification and Alternative Management of County Lands

Part Cross-References
Actions arising from the seizure or sale of property for taxes, 27-2-210.

7-8-2501. Purposes of part. The purposes of this part are:
(1) to authorize a board of county commissioners to establish criteria for the classification of unsold tax-deed lands and other county-owned lands, however acquired, and to classify such lands for retention or disposal in accordance with such criteria so that county-owned lands shall be used in the best interests of the county and for the public benefit and welfare;
(2) to encourage the application of a multiple use principle in the utilization and administration of such lands so that the administration of lands classified for retention can be coordinated with land use planning, zoning, grazing and agricultural land improvement, fish and wildlife habitat improvement and enhancement, recreation, access to other intermingled or adjacent multiple use areas, and for any other appropriate uses which are in the best interests of the county or which will advance the public benefit and welfare; and
(3) to grant sufficient powers to the board to enable the board to achieve the foregoing purposes.
History: En. 84-4190.1 by Sec. 1, Ch. 540, L. 1975; R.C.M. 1947, 84-4190.1.

7-8-2502. Application of part. (1) Any lands offered for sale by the county commissioners of any county under 7-8-2301 and not sold at such sale, any lands concerning which the preferential right to purchase has been terminated and barred under the provisions of 7-8-2302 and

EXHIBIT 4
DATE 3-10-95
~~HB~~ SB 258

SB 258 - PROCEDURES FOR SALE OF LAND AFTER TAX DEED ISSUES TO COUNTY - Prepared by Sen. Bartlett

Amendment to strike Section 1 because it applies to more county-owned property than just tax deed property and is best left as is.

SECTION 2:

Deletes the archaic requirement that the auction of tax deed land take place at the door of the courthouse (p. 1, lines 28 and 29).

Enables the county to retain some tax deed land when doing so advances the public benefit and welfare (p. 2, line 3, line 21).

Replaces "fair market value" with the more accurate and descriptive term "sales price" as the minimum auction price.

Deletes language no one understands (p. 2, lines 6 - 8), and adds language that allows the sales price to be set at the total amount outstanding on the property.

Note: Page 2, lines 12 - 20 are not new language but are simply language being moved from p. 3, lines 10 - 17.

Clarifies that the property's original owner or successor in interest must pay the total amount outstanding on the property in order to purchase it at the auction. Prevents the original owner from benefitting financially by letting the county take a tax deed and then buying the property back at the auction (p. 3, lines 5 - 9).

The language on page 3, lines 10 - 17 is simply being moved to p. 2, lines 12 - 20.

SECTION 3:

Requires notice when the county plans to donate or retain tax deed property; notice is already required when the property is to be sold.

Requires that the notice include the fair market value of the property as determined by the Department of Revenue.

SECTION 4:

Specifies that the original property owner or successor in interest has the right to re-purchase the property from the time the tax deed issues until 24 hours before the date set for the property to be sold, donated or retained; safeguards the original owner's re-purchase rights when property is to be donated or retained.

Clarifies that the original owner must pay the total amount outstanding on the property in order to re-purchase it.

TAX DEED SCHEDULE SPECIFIED IN STATE LAW AND SB 258

1991	Dec. 1	First half 1991 real property taxes delinquent
1992	June 1	Second half 1991 real property taxes delinquent
	By July 19	County Treasurer holds sale of lien for real property taxes delinquent Dec. 1, 1991 and/or June 1, 1992.
1993 1994 1995		36-month redemption period for property owner
	July 19	Tax deed issued to the county; **repurchase period** for original owner or successor in interest **begins.**
	Nov. 30	First half 1995 real property taxes due
1996	By Jan. 19	County must hold first auction sale; may donate or retain tax deed property
	Jan. 18	**Repurchase period** for original owner or successor in interest **ends** (24 hours before auction).
	By July 19	County must hold second auction sale of remaining property.

EXHIBIT 9
DATE 3-10-95
HB SB 258

County of Yellowstone

CLERK AND RECORDER

(406) 256-2787

P.O. BOX 35001
BILLINGS, MONTANA 59107

March 8, 1995

Representative Bruce Simon
Chairman, Business & Labor Committee
Capitol Station
Helena, MT 59620

Dear Chairman Simon and Members of the Business & Labor Committee:

The purpose of Senate Bill No. 258 is to clarify portions of the tax deed laws regarding sale of tax deed parcels, the right of repurchase of tax deed parcels and when.

1. Section (1), Page 1 of this bill changes language from appraisal to sale price.

2. Section (2), allows the Board of County Commissioners to sell County tax deed lands at the place designated in the Notice of Sale and not just at the front door of the Courthouse.

Under Section 7-8-2301, Disposed of tax deed land: Once the County Treasurer has deeded the tax deed parcels to the County after the redemption date has expired under Notice requirements listed in Section 15-18-212 M.C.A., the Board of County Commissioners must enter an Order of Sale within six (6) months after acquiring title.

The 1993 Legislature authorized counties to donate land to a municipality with their consent and it also allowed counties to donate land to a nonprofit corporation for multifamily housing development and single family housing to low income persons who qualify. The land can also be retained for the County.

However, the 1993 Legislature allowed these transfers after the period of redemption and the County Treasurer issued a tax deed to the County - what they failed to take into consideration was that the record owner or successor in interest has a repurchase right up to the sale date set by the Board of County Commissioners. If they do not repurchase by this date, their repurchase right has expired. It is after this period of time that the counties can deed parcels of tax deed land to a municipality, for low-income housing or retain for county use.

On Page 2, Lines 4-11, it states the new process to determine sale prices. Under 1985 Legislation and 1986 Special Session, June of 1986, Senate Bill No. 20, Sec.1, Chapter 35, it states contiguous parcels of 20 acres or more under one ownership shall be eligible taxation as agricultural land each year that none of the parcels is devoted to commercial or industrial use.

The market value established by the Department of Revenue under this legislation was far less than the delinquencies. The current language proposed in this bill - lines 8 through 11 is more appropriate and gives the Board of County Commissioners a more equitable starting base for the minimum sale price for the first offering of the tax deed parcels for public auction.

3. Under the current law it states the Board of County Commissioners fix the market value. This is incorrect. Only the Department of Revenue determines the fair market value of the land and improvements. The Board of County Commissioners only determines sale price. Therefore, throughout the laws on Sale of Tax Deed Lands, these changes are incorporated therein.

4. On Page 3, Line 30, Section 4, Section 7-8-2303, M.C.A., repurchase rights of taxpayer or successors has been changed. Repurchase at present can be (1) minute before the sale. The new provision is at any time up to 24 hours before the time fixed for the first offering of property for sale or the time fixed for the donation or retention of the property pursuant to 7-8-2301, M.C.A.

5. On Page 3, Lines 20 through 27, Section 7-8-2302, M.C.A., Notice of Disposal of Tax Deed Lands; the Notice must state which parcels are being donated to the City or donated to a nonprofit corporation for multifamily development and single family housing to low income persons who qualify or to be retained by the County. The first Notice of Sale of tax deed lands must comply with Section 7-8-2301, M.C.A., which sale must be held within six (6) months after the County has acquired title.

IN SUMMARY, THIS BILL:

A. Restores the right of repurchase by the record owner or successor of interest up to 24 hours before the first sale date set by the Board of County Commissioners on all parcels of land taken by tax deed after the redemption period has expired and the Board of County Commissioners instruct the County Treasurer to issue a tax deed to the County. Once this is accomplished, the Board of County Commissioners must have a sale within six (6) months (see Section 7-8-2301, M.C.A., page 2 of this Bill). The courts certainly would rule in favor of the record owner if they do not comply with 7-8-2303, M.C.A. Repurchase rights of taxpayer or successors.

B. This Bill allows counties to sell tax deed lands at a place designated in the Notice of Sale which must comply with Sections 7-1-2121 and 7-8-2302, M.C.A. (Current law states at the front door of the Courthouse).

EXHIBIT 4
DATE 3-10-95
SB 258

C. The Department of Revenue sets the fair market value of land and improvements, not the Board of County Commissioners. The Board of County Commissioners set the sale price.

D. The method of determining the sales price of a parcel as described under 7-8-2301 (2), M.C.A., is obsolete with laws which were passed in the special session of June of 1986 under Senate Bill #20, which I have described under Paragraph 2, Page 2 of this letter. The proposed legislation allows counties to at least try to recover all delinquencies, penalty, interest and costs as the minimum sale price for the first sale.

E. Current law is not clear as to whether the county can return tax deed parcels for county use and benefit. This Bill clarifies this process, under Section 7-8-2302, M.C.A., Page 3 of this Bill. The Notice of Sale must state which parcels are to be donated or retained.

This Bill corrects and clarifies problems that exist in current tax deed laws.

Your passage and approval of this Bill will be greatly appreciated.

Yours truly,

Merrill H. Klundt

Merrill H. Klundt
Retired Clerk and Recorder
Yellowstone County, Montana

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business + Labor DATE 3-10-95

BILL NO. SB 258 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Merrill A. Klundt	Clerk & Recorder	✓	
Blake Wordal	Lewis & Clark Co	✓	
Dick Berg	Fleetwood		✓
Jim Lauch	MAID ST. CASINO - BUTTE		✓
Gordon Morris	MACo	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.